

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Bail Appl..No. 7020 of 2006()

CC.262/2005 of J.M.F.C.-II, KASARAGOD

.....

PETITIONER/ACCUSED

B.A.MOHAMMED ANEEF ABDULLA,
S/O. BALADKA AHMED ABDULLA, K.P.HOUSE,
POST NEKRAJE PAIKA, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE, REP. BY SHO, KASARAGOD,
REP. BY THE PUBLIC PROSECUTOR, ERNAKULAM,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.7020 of 2006

DATED: NOVEMBER 23, 2006

ORDER

Petitioner who is the accused in C.C. 262/05 on the file of the Judicial First Class Magistrate-II, Kasaragod for an offence punishable under Sec. 138 of the N.I.Act, seeks anticipatory bail. Admittedly, the case against the petitioner has been transferred to the L.P. Register where it is numbered as L.P.C. 5/2006 and warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the J.F.C.M. -II, Kasaragod and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed.

With the above observation this application is dismissed.

**V.RAMKUMAR,
JUDGE.**

ani